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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,311	10/15/2004	Raymond J. Krasinski	PHUSO20120US	9498
24737 7590 02/19/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHOKSHI, PINKAL R				
ART UNIT		PAPER NUMBER		
2425				
MAIL DATE		DELIVERY MODE		
02/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/511,311

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

PINKAL CHOKSHI

Art Unit

2425

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425

/Pinkal Chokshi/
Examiner, Art Unit 2425

Continuation of 11. does NOT place the application in condition for allowance because: Applicant asserts that Fleming does not disclose a processor that configured to read an origin code embedded in content received by the device. Examiner respectfully disagrees. Fleming discloses (col.6, lines 61-65; col.9, lines 22-30) that the region field/code that represents a region, is associated with the rating system stored in the memory of the client device as represented in Fig. 4 (element 402(1)(e)). Fleming further discloses (col.11, lines 32-35) that the rating included in the multimedia program is read from rating fields present in ATSC or DVB digital television broadcast that includes region information as explained earlier. Fleming further discloses (col.11, lines 19-32) that once the rating system with region code is properly stored in the memory of the receiver, CPU in the client device identifies rating of multimedia program by extracting rating (region information) from the multimedia program and reading this region information to match it with the stored region information as represented in Fig. 5. The rejection is maintained.

Furthermore, Applicant alleges that Fleming does not disclose a processor that allows access to received content only when a descriptor stored in a memory of the device is substantially identical to an origin code embedded in the received content. Examiner respectfully disagrees. Fleming discloses (col.11, lines 36-59 and see claim 1) that the system matches the rating information provided in the multimedia program with the rating stored in the data structure to perform a function as represented in Fig. 5. Fleming does not explicitly teach "processor allows access if there is a match." However, Whitelaw discloses (col.8, lines 17-32) that the logic unit determines if there is a match between content based indicator and content based indicator obtained from the memory. If there is a match, then the logic unit allows passing the program signals to the television unit as represented in Fig. 4. The rejection is maintained.

Furthermore, Applicant alleges that the combination of Fleming and Whitelaw is improper. Examiner respectfully disagrees. As Examiner has showed in the previous office action the reason to combine Fleming and Whitelaw with the proper motivation statement. It is the Examiner's contention that the combination of Fleming and Whitelaw does not contain any deficiencies.

Furthermore, Applicant alleges that Siegel does not disclose audio/video contents transmitted to a customer includes a usage rules. Examiner respectfully disagrees. Siegel discloses (§10008) that the audio/video contents transmitted to customer includes the usage rule, where customer receives audio/video content based on the usage rules. Siegel further discloses (§10013 and §10014) that the program processor in the device provides viewer to obtain rights on the audio/video programs based on the usage rule as represented in Fig. 8. The rejection is maintained.

With regard to the other dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary references do not cure the deficiencies of Fleming and Whitelaw, nevertheless it is the Examiner's contention that Fleming and Whitelaw do not contain any deficiencies.